STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2014-5

SCOTT MICHAEL GUINN 12436 Del Amo Boulevard Lakewood, CA 90715 Applicator License No. RA 52862

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on

It is so ORDERED April 23, 2014

DEPARTMENT OF CONSUMER AFFAIRS

1	KAMALA D. HARRIS Attorney General of California KAREN B. CHAPPELLE Supervising Deputy Attorney General THOMAS L. RINALDI Deputy Attorney General State Bar No. 206911 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2541 Facsimile: (213) 897-2804 Attorneys for Complainant	
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8	BEFORE THE STRUCTURAL PEST CONTROL BOARD	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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11	In the Matter of the Accusation Against:	Case No. 2014-5
12	SCOTT MICHAEL GUINN 12436 Del Amo Boulevard	
13	Lakewood, CA 90715 Applicator License No. RA 52862	STIPULATED SURRENDER OF LICENSE AND ORDER
14	Respondent.	INCERSE ARD ORDER
15	Teoporadic.	
16	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-	
17	entitled proceedings that the following matters are true:	
18	PARTIES	
19	1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest	
20	Control Board. She brought this action solely in her official capacity and is represented in this	
21	matter by Kamala D. Harris, Attorney General of the State of California, by Thomas L. Rinaldi,	
22	Deputy Attorney General.	
23	 Scott Michael Guinn (Respondent) is represented in this proceeding by attorney Scot 	
24	Well, whose address is 2122 N Broadway, Santa Ana, CA 92706.	
25	3. On or about March 2, 2012, the Structural Pest Control Board issued Applicator	
26	License No. RA 52862 to Respondent. The Applicator License was in full force and effect at all	
27	times relevant to the charges brought in Accusation No. 2014-5 and will expire on March 2, 2015	
28	unless renewed.	

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JURISDICTION

4. Accusation No. 2014-5 was filed before the Structural Pest Control Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 23, 2013. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2014-5 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2014-5. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

<u>CULPABILITY</u>

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2014-5, agrees that cause exists for discipline and hereby surrenders his Applicator License (No. RA 52862) for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Applicator License without further process.

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Applicator License No. RA 52862, issued to Respondent Scott Michael Guinn, is surrendered and accepted by the Structural Pest Control Board.

1. Respondent shall lose all rights and privileges as a licensed applicator in California as of the effective date of the Board's Decision and Order.

- 2. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 3. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2014-5 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 4. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$1,925 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Scott Well. I understand the stipulation and the effect it will have on my Applicator License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 1-17-14 SCONT MICHAEL GUINN Respondent

I have read and fully discussed with Respondent Scott Michael Guinn the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I

approve its form and content.

DATED: 1-27-14

SCOTT WELL
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

Dated: 2-19-2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

THOMAS L. RINALDI Deputy Attorney General Attorneys for Complainant

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